

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED FIRST LEGISLATIVE DAY
WEDNESDAY, APRIL 22, 2009

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused – Boe, Clark, Crane, Smith(24).

Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Spencer Powell, Page.

Approval of Journal

April 22, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the One Hundredth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

April 20, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 97](#), as amended, [H 230](#), and [H 241](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

April 21, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 194](#), as amended in the Senate,

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
Boise

April 21, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I hereby advise you that I have returned without my approval, disapproved and vetoed, the following House Bills, to wit:

[H 272](#), [H 273](#), [H 274](#), [H 280](#), [H 282](#), [H 283](#), [H 284](#), [H 292](#), [H 293](#), [H 295](#), [H 297](#), [H 298](#), and [H 300](#)

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 11:55 a.m. on April 21, 2009.

I have no problem with these bills. At some point they will merit positive consideration. However, consistent with my desire to provide you with the time to substantively address our need for an ongoing source of transportation revenue, I am vetoing these bills today and will continue vetoing appropriations bills until an adequate transportation bill is approved by the Legislature and delivered for my consideration.

I still do not intend to call a special session of the Legislature because I am not going to let this session end until this legitimate and proper role of government is addressed in the manner it deserves.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

[H 272](#), [H 273](#), [H 274](#), [H 280](#), [H 282](#), [H 283](#), [H 284](#), [H 292](#), [H 293](#), [H 295](#), [H 297](#), [H 298](#), and [H 300](#), with the Governor's Veto Message attached, were ordered held at the Desk.

April 21, 2009

Mr. Speaker:

I return herewith enrolled [H 306](#) and [HCR 30](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 306](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled [HCR 30](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

April 21, 2009

Mr. Speaker:

I transmit herewith [S 1227](#) which has passed the Senate.
WOOD, Secretary

[S 1227](#) was filed for first reading.

April 21, 2009

Mr. Speaker:

I return herewith [H 287](#), [H 299](#), [H 308](#), [H 309](#), [H 310](#), [H 301](#), and [H 302](#) which have passed the Senate.

WOOD, Secretary

[H 287](#), [H 299](#), [H 308](#), [H 309](#), [H 310](#), [H 301](#), and [H 302](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

April 21, 2009

Mr. Speaker:

I return herewith [H 256](#), as amended in the Senate, as amended in the Senate, and [H 262](#), as amended in the Senate, which have passed the Senate.

WOOD, Secretary

[H 256](#), as amended in the Senate, as amended in the Senate, and [H 262](#), as amended in the Senate, were ordered held at the Desk.

Report of Standing Committees

April 22, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 178](#), as amended, [H 312](#), and [H 313](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 178](#), as amended, [H 312](#), and [H 313](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 21, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 24](#), [H 268](#), [H 272](#), [H 273](#), [H 274](#), [H 276](#), [H 277](#), [H 280](#), [H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), [H 297](#), [H 298](#), and [H 300](#) to the Governor at 11:55 a.m., as of this date, April 21, 2009.

CLARK, Chairman

April 21, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [S 1166](#), as amended, and recommend that it do pass.

BLACK, Chairman

[S 1166](#), as amended, was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 328 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO SCHOOL BUILDING MAINTENANCE FUNDS; TO PROVIDE FOR ALTERNATIVE USES OF CERTAIN SCHOOL BUILDING MAINTENANCE FUNDS.

HOUSE BILL NO. 329 BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO FUELS; AMENDING SECTION 63-2407, IDAHO CODE, TO DELETE CERTAIN DEDUCTIONS; AND PROVIDING AN EFFECTIVE DATE.

[H 328](#) and [H 329](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1227](#), by Finance Committee, was introduced, read the first time by title, and held at the Desk.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[S 1204](#) and [S 1215](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 267](#), as amended in the Senate, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 258](#), as amended in the Senate, and [H 218](#), as amended in the Senate, by State Affairs Committee, were read the second time by title and filed for third reading.

[H 187](#), as amended in the Senate, by Business Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Lake asked unanimous consent that [S 1214](#) be returned to the Commerce and Human Resources Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [S 1133](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[S 1133](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

The question being, "Shall [S 1133](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Boyle, Chadderdon, Clark, Collins, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lake, Loertscher, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Saylor, Schaefer, Shepherd(08), Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Trail, Wood(35), Mr. Speaker. Total – 51.

NAYS – Bilbao, Burgoyne, Chavez, Chew, Durst, Jaquet, Jarvis, Kren, Labrador, Luker, Pence, Ruchti, Rusche, Shepherd(02), Shirley, Wills, Wood(27). Total – 17.

Absent and excused – Crane, Smith(24). Total – 2.

Paired Votes:

AYE -- Clark NAY -- Burgoyne

AYE -- Boe NAY -- Durst

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [S 1133](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1184](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[S 1184](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Loertscher to open debate.

The question being, "Shall [S 1184](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Roberts, Schaefer, Shepherd(08), Shirley, Simpson, Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 50.

NAYS – Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Pence, Ringo, Ruchti, Rusche, Saylor, Shepherd(02), Smith(30), Trail. Total – 18.

Absent and excused – Crane, Smith(24). Total – 2.

Paired Votes:

AYE -- Clark NAY -- Ruchti

AYE -- Moyle NAY -- Boe

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [S 1184](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Thursday, April 23, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 10:45 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk